IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.4457 OF 2004

Laxmibai Namdeo Khade : Petitioner

V/s.

Shri Dattatraya Sadashiv Khade & Ors. : Respondents

...

Mr.P.G.Chavan for Mr.S.S.Patwardhan for the petitioner.

Mr.A.H.Palekar, Asstt. Govt. Pleader, for the respondent nos.3 to 6.

...

CORAM : S.A. BOBDE, J.

August 31, 2005.

P.C.:

1. By this petition, the petitioner has challenged the order of the Addl. Commissioner confirming the orders of the Collector and the Asstt. Collector, refusing to interfere with their orders. The Collector and the Addl. Collector have cancelled mutation entry no.3409 in which the petitioner's name was shown as the sole owner, by virtue of a sale deed dated 11.9.1987.

2. Admittedly, however, Civil Suit no.349 of 1989 filed by the petitioner for a declaration and injunction

regarding the same land is pending in appeal. In the circumstances, I see no reason to interfere with the order of the Addl. Commissioner. The petitioner shall be at liberty to apply for appropriate mutation in the Record of Rights, depending on the outcome of the civil suit.

3. The petition is, therefore, dismissed.

S.A. BOBDE, J.